



Wilkins Safety Group

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Welcome to our latest Update E-Newsletter

As ever, please feel free to share this with friends and colleagues. You will also find PDF versions of all our other newsletters on our website: www.wilkinssafety.co.uk with lots more useful information and a wealth of leaflets covering Health and Safety topics.



**Hazardous
area**



**Permit to
work must
be obtained**

This week we are looking at Permits to Work.

A note from Jon Wilkins – On Friday afternoon I was in a site meeting and the topic of Permits to Work was raised and it was suggested that this may be a good time to cover the subject in this newsletter

We also have 2 recent HSE cases for you to look at and think about:

- A COMPANY director who was illegally running a firm when a worker was crushed to death is today sent to prison.
- A 46-year-old worker, from Tunbridge Wells, fell through the fragile roof of a food packaging firm's premises in Bridge after losing his balance on the working platform he was using

We hope you learn from the mistakes of others that are highlighted in our weekly newsletters and, as a result, do not have similar accidents at your workplace.

As ever, if you have a subject that you would like us to cover one week, please contact us by phone [01458 253682](tel:01458253682)
Email info@wilkinssafety.co.uk or via our [Facebook page](#) or by [Twitter](#)

Permits to work

What are permits to work?

A permit-to-work system is a formal written system used to control certain types of work that are potentially hazardous. A permit-to-work is a document which specifies the work to be done and the precautions to be taken. Permits-to-work form an essential part of safe systems of work for many maintenance activities. They allow work to start only after safe procedures have been defined and they provide a clear record that all foreseeable hazards have been considered.

A permit is needed when maintenance work can only be carried out if normal safeguards are dropped or when new hazards are introduced by the work. Examples are entry into confined spaces, hot work, electrical works and asbestos removal.

What is the problem?

An HSE survey showed that a third of all accidents in industry were maintenance-related, the largest single cause being a lack of, or deficiency in, permit-to-work systems. **In a study of small and medium-sized factories:**

- two-thirds of companies were not checking systems adequately;
- two-thirds of permits did not adequately identify potential hazards;
- nearly half dealt poorly with isolation of plant, electrical equipment, etc.;
- a third of permits were unclear on what personal protective clothing was needed;
- a quarter of permits did not deal adequately with formal hand-back of plant once maintenance work had finished;
- In many cases little thought had been given to permit form design.

Of course, permits to work are not just required in factories. The guidance provided may have application in all types of work situations from building sites, hospital plant rooms, schools and even offices

What do you need to do?

Don't assume that your system is a good one just because you have not yet had a serious accident. You should critically review your system and ask yourself the following questions.

Information

- Is the permit-to-work system fully documented, laying down:
 - How the system works;
 - The jobs it is to be used for;
 - The responsibilities and training of those involved; and
 - How to check its operation?
- Is there clear identification of who may authorise particular jobs (and any limits to their authority)?



- Is there clear identification of who is responsible for specifying the necessary precautions (e.g. isolation, emergency arrangements, etc.)?
- Is the permit form clearly laid out?
- Does it avoid statements or questions which could be ambiguous or misleading?
- Is it designed to allow for use in unusual circumstances?
- Does it cover contractors?

Selection and training

- Are those who issue permits sufficiently knowledgeable concerning the hazards and precautions associated with the plant and proposed work? Do they have the imagination and experience to ask enough 'what if' questions to enable them to identify all potential hazards?
- Do staff and contractors fully understand the importance of the permit-to-work system and are they trained in its use?

Description of the work

- Does the permit clearly identify the work to be done and the associated hazards?
- Can plans and diagrams be used to assist in the description of the work to be done, its location and limitations?
- Is the plant adequately identified, e.g. by discrete number or tag to assist issuers and users in correctly taking out and following permits?
- Is a detailed work method statement given for more complicated tasks?

Hazards and precautions

- Does the system require the removal of hazards and, where this is not reasonably practicable, effective control? Are the requirements of The Control of Substances Hazardous to Health Regulations 1999 (COSHH) and other relevant legislation known and followed by those who issue the permits?
- Does the permit state the precautions that have been taken and those that are needed while work is in progress? For instance, are isolations specified and is it clear what personal protective equipment should be used?
- Do the precautions cover residual hazards and those that might be introduced by the work, e.g. welding fume and vapour from cleaning solvents?
- Do the Confined Spaces Regulations 1997 apply? If so, has a full risk assessment identified the significant risks and identified alternative methods of working or necessary precautions?

Procedures

- Does the permit contain clear rules about how the job should be controlled or abandoned in the case of an emergency?
- Does the permit have a hand-back procedure incorporating statements that the maintenance work has finished and that the plant has been returned to production staff in a safe state?
- Are time limitations included and is shift changeover dealt with?
- Are there clear procedures to be followed if work has to be suspended for any reason?
- Is there a system of cross-referencing when two or more jobs subject to permits may affect each other?
- Is the permit displayed at the job?
- Are jobs checked regularly to make sure that the relevant permit-to-work system is still relevant and working properly?

Essentials of the Permit to Work form

The permit-to-work form must help communication between everyone involved. It should be designed by the company issuing the permit, taking into account individual site conditions and requirements.

Separate permit forms may be required for different tasks, such as hot work and entry into confined spaces, so that sufficient emphasis can be given to the particular hazards present and precautions required.



The essential elements of a permit-to-work form are listed below. If your permit does not cover these it is unlikely to be fully achieving its purpose.

1. Permit title
2. Permit Number
3. Job location
4. Description of the work to be done. With its limitations
5. Plant identification
6. Hazard identification - including residual hazards and hazards introduced by the work
7. Precautions necessary - person(s) who carries out precautions, e.g. isolations, should sign that precautions have been taken
8. Protective equipment
9. Authorisation - signature confirming that isolations have been made and precautions taken, except where these can only be taken during the work. Date and time duration of permit
10. Extension/shift handover procedures - signatures confirming checks made that plant remains safe to be worked

upon, and new acceptor/workers made fully aware of hazards/precautions. New time expiry given

11. Acceptance by operatives. With legible signatures and names
12. Hand-back. Signed by the acceptor certifying the work completed and by the issuer certifying work is completed and plant ready for testing and re-commissioning.
13. Cancellation. Certifying work completed and plant tested and re-commissioned.

PERMITS SAVE LIVES - GIVE THEM PROPER ATTENTION

Signatures and names must be legible.

If you need further information please call us on [01458 253682](tel:01458253682) or send us an email at info@wilkinssafety.co.uk

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Now to the latest HSE cases:

A Disqualified director jailed for breaching health and safety rules after a worker was crushed by a two-tonne sandbox



The two-tonne steel sandbox that crushed Ian Middlemiss

A Hampshire businessman, who was disqualified from being a company director, was today jailed for serious fraud and safety offences. A second businessman was given a suspended prison sentence for similar offences.

The two were sentenced at Winchester Crown Court today (29 Aug) following joint proceedings brought by BIS (the Department for Business Innovation and Skills) and the Health and Safety Executive (HSE). The safety offence related to the tragic death of a 40 year-old Southampton worker in September 2010.

Paul O'Boyle, 56, of Cholderton Road, Andover, was jailed for a total of 26 months; 16 months for a breach of the Health and Safety at Work etc Act 1974; ten months for a breach of the Fraud Act 2006; and a total of eight months concurrent for four breaches of Section 13 of the Company Directors Disqualification Act 1986. He was also disqualified from being a company director for the maximum of 15 years.

Russell Lee, 67, of Quay 2000, Horseshoe Bridge, Southampton, was given a 12-month prison sentence suspended for two years after admitting the same breach of the Health and Safety at Work etc Act and a concurrent six months, also suspended, after pleading guilty to aiding and abetting O'Boyle in his disqualification.

Lee was also disqualified as a director, for seven years, ordered to pay £8,000 toward prosecution costs and given 150 hours' community service.

The safety offences related to their running of Alton-based Aztech BA Ltd and the death of a worker who was crushed and killed by a two-tonne metal sand-moulding box that fell from the lifting chains of a crane he was using to manoeuvre it.

The court was told Paul O'Boyle had been disqualified from acting as a company director for 12 years in 2006 but continued to act in that capacity at a number of foundry companies, including Aztech(BA) Ltd, which operated from premises at Lasham, Hampshire. In running Aztech, Mr O'Boyle was aided by Russell Lee, who agreed to be the registered director of the company.

The offences came to light following the fatal incident at the now-insolvent company, Aztech, when Ian Middlemiss, 40, who lived in Thornhill, Southampton, was crushed beneath a heavy sandbox on 30 September 2010. Colleagues scrambled to free him, but he was pronounced dead at the scene by paramedics.



Ian Middlemiss, Age 40

HSE investigated the death and identified serious concerns with the systems of work in place at the time, and with the lifting equipment. HSE became aware of the Companies Act offences and a joint investigation with BIS was undertaken.

HSE found that the crane at the centre of the incident had not been checked and tested as the law requires, and there were inadequate provisions in place covering competency, supervision or training. The court heard the incident could have been prevented had the system of work been reviewed and properly assessed.

HSE inspectors also identified problems with lead exposure at the company. Substances containing lead were used elsewhere at the site as part of a separate bronze moulding process, but the control and health surveillance measures were insufficient – meaning workers were being exposed to potentially harmful levels of lead without realising it.

The court was told that at the time of Mr Middlemiss' death the foundry was the subject of three Improvement Notices served by HSE following earlier visits in September 2009 and June 2010. A number of important safety improvements were required, but few had been satisfactorily implemented, largely, claimed the management team, because of financial constraints.

HSE argued the fatality incident could have been avoided had the necessary changes in the relevant enforcement notices taken place.

Aztech BA Ltd was also sentenced for a breach of Section 2(1) of the Health and Safety at Work etc. Act, after a guilty plea was submitted on behalf of the insolvent firm by its administrators. The court imposed a fine of £100,000.

In terms of the other offences, the judge heard that between 2006 and 2011 Paul O'Boyle contravened two orders disqualifying him as a director by acting in that capacity in no fewer than four separate companies, including Aztech.

He was also responsible for the cross-firing of cheques, which were written from the bank account of one of the companies, which was no longer trading, to provide funds for Aztech.

BIS investigators established that Aztech drew almost £92,500 in this way, taking advantage of a short window after the cheques were presented but before they bounced.

The investigators also established that Russell Lee aided and abetted Paul O'Boyle as the registered director of Aztech, performing tasks such as writing blank cheques for Mr O'Boyle to use, but not fulfilling the responsibilities of being the director of the company, allowing O'Boyle to run the business.

In his sentencing comments, the Recorder of Salisbury, His Honour Judge A H Barnett, said *Paul O'Boyle had behaved in a 'disgraceful' way and had been culpable of 'extremely shoddy business practice'*.

After reading a statement from Mr Middlemiss' father, the judge said the impact of the incident had been devastating: *"It was harrowing, and underlines the personal tragedy that could have been avoided."*

After sentencing, Tim Galloway, HSE Director of Operations, Southern Division, said:

"The safety standards at Aztech BA Ltd fell well short of those required, as Paul O'Boyle and Russell Lee were only too aware. They knew improvements were needed to protect workers like Ian Middlemiss and they had clear responsibilities as senior management to ensure the necessary changes were implemented."

"Sadly one of the many areas that was seemingly overlooked was the system of work surrounding the overhead crane. Had this been properly assessed then Ian's tragic death could have been prevented."

David Middlemiss, Ian's father, commented:

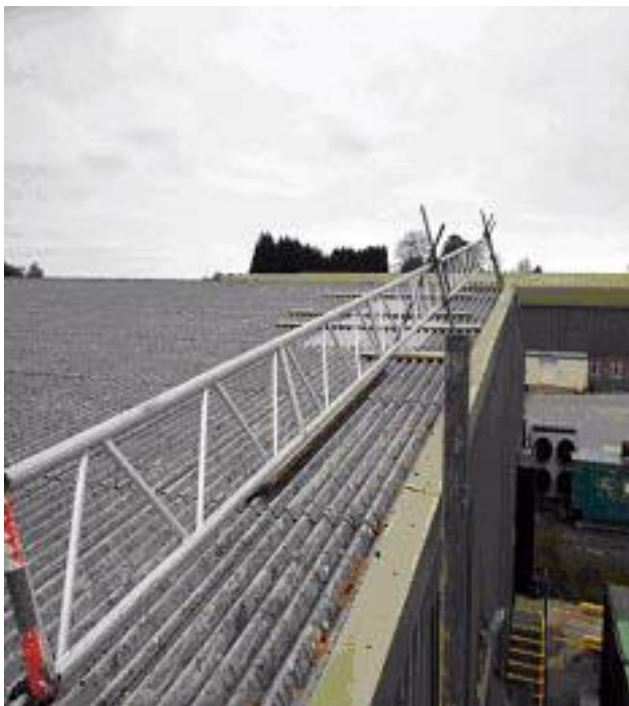
"I brought my son up since he was an infant and cared for him all his life until his death. His passing has left a huge empty void in my life, a devastating loss that I will never recover from."

Deputy Chief Investigation Officer Liam Mannall, from BIS, said:

"Individuals are disqualified from being company directors for good reason, usually because of conduct which shows them to be unfit to operate a business. This case shows the tragic consequences of Mr O'Boyle ignoring his disqualification."

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Safety failures land two Kent companies in court



Two construction companies have been sentenced for safety failings after a worker was injured in a fall at a site near Canterbury in Kent.

The 46-year-old worker, from Tunbridge Wells, who does not wish to be named, fell through the fragile roof of a food packaging firm's premises in Bridge after losing his balance on the working platform he was using.

He landed on the cold store roof nearly two metres below and suffered a broken rib and fractured left wrist, but has since recovered and returned to work.

The incident, on 4 October 2012, was investigated by the Health and Safety Executive (HSE) which prosecuted Ramsgate-based firms WW Martin Ltd and Brandclad Ltd.

Canterbury Magistrates were told (26 Aug) the food firm had used WW Martin for several years to undertake building work at their site so had contracted them to remedy leaks in the premises. WW Martin in turn hired specialist roofing firm Brandclad to carry out the work.

Before the repairs started, WW Martin were sent a risk assessment and a planned method of work by Brandclad highlighting the danger of the fragile roof and stating that platforms with handrails would be used, along with harnesses for workers.

However, HSE found that from the start of work on 22 September until a month later when the work finished, the platforms for the roofers were left open and unprotected.

Even when the Brandclad employee fell and work was suspended for ten days to review what had happened, the only change made was to provide platforms that sat flatter and more evenly in the troughs of roof sheets. The safety measures that had been promised – handrails and harnesses – were never used by Brandclad. WW Martin, which was responsible for monitoring the work, failed to take any action.

Magistrates heard HSE found both WW Martin and Brandclad had considered putting fall prevention measures inside the roof void but had decided against it because of doubts about the structural strength of the cold store roof.

WW Martin Ltd, Dane Park Road, Ramsgate, and Brandclad Ltd, Orchard Business Centre, North Farm Road, Tunbridge Wells, each admitted one breach of the Work at Height Regulations 2005.

Brandclad, stated by the court to be 60 per cent culpable, was fined £7,000 with £3,588 in costs. WW Martin was fined a higher amount of £10,000 owing to its stronger financial position despite being 40 per cent culpable, also with £3,588 in costs.

Speaking after the hearing, HSE Inspector Melvyn Stancliffe said:

“This was a completely avoidable incident. The dangers of working on fragile roofs are very well- known in the industry. Such work should never be undertaken without careful planning and making sure the right type of fall prevention and mitigation measures are in place.”

“It is incredible the work was carried out despite the companies’ misgivings about the strength of the internal cold store roof. Had that given way when the worker fell on to it then HSE would likely have been investigating a death.”

“Even after the incident, the job was resumed without any proper improvements made to the working methods. There should be no shortcuts when working on fragile surfaces – no matter how short the duration of a job is.”

There is advice and free guidance available on the **Wilkins Safety Group** website about roofwork at <http://www.wilkinssafety.co.uk/pdf/whss/roofwork.pdf>

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If you have any queries on any health and safety matter, please contact Jon Wilkins on [01458 253682](tel:01458253682) or by email on jon@wilkinssafety.co.uk



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Safer in Our Hands